

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)
_____)

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:)

All Cases)
_____)

**The Tennessee Clinic Defendants' Response in Support of
the Saint Thomas Entities and the Ascension Parties' Motion for Leave to File
Brief as to Bellwether and Discovery Plan Issues**

Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John W. Culclasure, MD; Debra V. Schamberg, RN; Specialty Surgery Center, Crossville, PLLC; Kenneth R. Lister, MD; Kenneth Lister, MD, PC; and Donald E. Jones, MD (collectively "the Tennessee Clinic Defendants") hereby file this Response in Support of the Saint Thomas Entities and the Ascension Parties' Motion for Leave to File Brief as to Bellwether and Discovery Plan Issues [Dkt. 1206].

The Tennessee Clinic Defendants support the Saint Thomas Entities' request. These Defendants defer to the Court's discretion on the appropriate page-limit for the brief.

Since the initial motion on these discovery issues was filed, nearly nine months have passed, 14 distinct filings have been docketed, and at least a half-dozen related case management orders have been proposed. A single, summary brief will enable the parties to advise the Court of the issues that have been resolved and direct the Court to the issues that require the Court's attention. It will also allow the parties to summarize their position in a single brief rather than the Court having to review multiple briefs filed

at different procedural junctures. And, the parties will be able to propose new deadlines for completion of various aspects of discovery. Many deadlines in the current proposals have already passed. Permitting the parties to file a supplemental brief will make the Court's task much simpler.

Accordingly, the Tennessee Clinic Defendants support the instant motion and defer to the Court's discretion as to the length of the brief.

Respectfully submitted,

GIDEON, COOPER & ESSARY, PLC

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 19th day of June, 2014.

/s/ Chris J. Tardio

Chris J. Tardio

¹ Admitted pursuant to MDL Order No. 1.

² Admitted *pro hac vice*.